

### **REMARKS**

Applicant appreciates the consideration of the present application afforded by the Examiner. Claims 5, 7, 12, 14, and 22-35 were pending prior to the Office Action. Claims 36-39 have been added through this Reply. Therefore, claims 5, 7, 12, 14, and 22-39 are pending. Claims 5, 7, 12, and 14 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

#### ***Claim Rejections - 35 U.S.C. §§ 102 and 103***

Claims 5, 7, 12, 14, 22-25, and 29-32 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,714,964 to Stewart et al. ("Stewart"). Claims 26-28 and 33-35 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Stewart in view of U.S. Patent No. 6,631,008 to Aoki ("Aoki"). As applied to the claims as amended, Applicant submits the Examiner has failed to establish a *prima facie* case of anticipation and traverse the rejection.

In order to establish a *prima facie* case of anticipation under 35 U.S.C. § 102, the cited reference must teach or suggest each and every element in the claims. *See M.P.E.P. § 2131; M.P.E.P. § 706.02*. Accordingly, if the cited reference fails to teach or suggest one or more claimed elements, the rejection is improper and must be withdrawn.

Independent claim 5, as amended, recites *inter alia* a printing system comprising at least one customer service system for receiving, via a network, *order information sent by a customer and representing at least one print service to be performed on image data*. Applicant submits that Stewart cannot teach or suggest at least this feature of independent claim 5.

The Examiner contends that Stewart discloses a customer service system for receiving order information representing the content of an order of a customer for a print. *See Office Action, page 2, item 5*. The Examiner indicates that he interprets Col. 6, lines 18-27 of Stewart to teach this feature. This citation states that "[t]he local applications 310a can be used to create or download a document... that the user can ultimately forward to the print side 300c..." It appears that the Examiner is relying on the fact that the user in Stewart may acquire the

document by downloading it from some other location in order to obviate a customer service center which receives order information. However, this is clearly not the same as the features of the present invention, especially in view of the current amendment.

The customer service system of the present invention receives *order information sent by a customer*. In contrast, Stewart recites that the document is downloaded by the user himself. In other words, in Stewart the user receives the document instead of sending it. Furthermore, the order information of the present invention *represents at least one print service to be performed on image data*. Stewart merely teaches downloading a document and makes no mention of the document representing any print service to be performed. Clearly, the passage recited by Stewart is meant to indicate that the document ultimately printed may originate at a location separate from the location of the user, or that the user may either create or acquire the document from a preexisting source. This is clearly not the same as a customer service system which receives order information sent by a customer and which represent at least one print service to be performed on image data.

Therefore, at least because Stewart fails to teach or suggest each and every claimed element, independent claim 5 is distinguishable from the prior art. Independent claims 7, 12, and 14 recite a feature similar to that described above with respect to independent claim 5, and are likewise distinguishable from the prior art at least for the reasons above.

Dependent claims 22-35 are also distinguishable from the prior art at least due to their dependence from claims 7 and 14, directly or indirectly. Regarding claims 26-28 and 33-35, the Aoki reference has not been, and indeed cannot be, relied upon to cure the aforementioned deficiencies of the Stewart reference. Accordingly, Applicant respectfully requests that the rejection of the claims under 35 U.S.C. § 102(e) or § 103(a) be withdrawn.

### ***New Claims***

New claims 36-39 have been added through this Amendment, and are considered to be in condition for allowance at least due to their dependence upon allowable claims 7 and 14, directly or indirectly. No new matter has been entered.

**Conclusion**

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Notice of same is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John R. Sanders, Reg. No. 60,166, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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